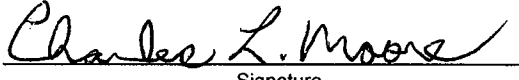


<b>PRE-APPEAL BRIEF REQUEST FOR REVIEW</b>		Docket Number (Optional) <b>014682-000015</b>
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]  on _____  Signature _____  Typed or printed name _____	Application Number <b>10/711,954</b>	Filed <b>October 15, 2004</b>
	First Named Inventor <b>Fonda J. Daniels et al.</b>	
	Art Unit <b>2167</b>	Examiner <b>Mariela D. Reyes</b>
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <div style="display: flex; justify-content: space-between;"><div style="width: 45%;"><p><input type="checkbox"/> applicant/inventor.</p><p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p><p><input checked="" type="checkbox"/> attorney or agent of record. <b>33,742</b> Registration number _____</p><p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p></div><div style="width: 50%; text-align: center;"> _____ Signature <b>Charles L. Moore</b> _____ Typed or printed name <b>919-286-8000</b> _____ Telephone number <b>February 9, 2009</b> _____ Date</div></div> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>		

☒ \*Total of 1 forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Fonda J. Daniels et al.	)	Confirmation No.: 5953
	)	
Application No. 10/711,954	)	Group Art Unit: 2167
	)	
Filed: October 15, 2004	)	Examiner: Reyes, Mariela D.
	)	
Title: Method and System to Identify a	)	
Previously Visited Universal Resource	)	
Locator (URL) in Results from a Search	)	

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REMARKS IN SUPPORT OF PRE-APPEAL BRIEF REQUEST FOR REVIEW

Applicants submit that the current and preceding Office Actions issued by the Examiner in the present application contain clear errors in the Examiner's rejections as well as omissions of one or more essential elements needed for a *prima facie* rejection under 35 U.S.C. § 103.

The present invention relates to a method for identifying a previously visited URL in the results from a network search. A URL personal databook collection object is loaded in response to receiving the results of a network search by a search engine. Accordingly, the personal databook collection object is not loaded or accessed until after the network search is performed and the results are received (emphasis added). The URL personal databook collection object comprises URL references that have been previously visited by a user and selectively saved in the URL personal databook collection object by the user. The URL personal databook collection object also comprises a comment associated with each URL reference. The comment may be entered and saved by the user to indicate a reason why each URL reference was stored in the URL personal databook collection object. All search results that satisfy the search term are presented including any URL references that have been previously visited by the user and saved in the URL personal databook collection object as well as URL's which have not been previously visited by

the user. Any matches between the search results and any URL object references in the URL personal databook collection object are identified, such as by highlighting or by other means.

Claims 1-15 and 43 were rejected under 35 U.S.C. §103(a) as being obvious over Amro et al. (U.S. Patent 6,950,861) in view of Bates et al. (U.S. 5,877,766). Applicant respectfully submits that Amro and Bates fail to teach the essential elements needed for a *prima facie* rejection under §103. Claim 1 recites:

“loading a URL personal databook collection object in response to receiving the results of a network search by a search engine, wherein the URL personal databook collection object comprises URL references that have been previously visited by a user and selectably saved in the URL personal databook collection object by the user; and a comment, associated with each URL reference, entered and saved by the user to indicate a reason why each URL reference was stored in the URL personal databook collection object...”

In contrast to Amro, claim 1, as recited above, requires loading a URL personal databook collection object in response to receiving the results of a network search by a search engine. Accordingly, claim 1 requires that the URL personal databook collection object is loaded after receiving the results of the network search (*emphasis added*). Amro, in contradistinction, teaches that the bookmarks 102 are used by the search engine 112 to perform the database and website searches. Thus, the bookmarks 102 of Amro must be accessed before the search is conducted and Amro does not teach or suggest loading a URL personal databook collection object in response to receiving the results of a network search as provided by the embodiment of the present invention recited in Claim 1.

The examiner on page 12 of the Final Office Action under the heading “Response to Arguments” disagrees that Amro does not teach or suggest loading a URL personal databook collection object in response to or after the results of a network search and cites Column 4 Lines 2-11 of Amro and Fig. 4 elements 412-418 of Amro. Column 4, Lines 2-11 of Amro recite:

“One identifier may be received for each of a user's bookmarks. In one specific embodiment, an identifier is an address of a website. A database is searched using the search term as indicated in step 414. It may be noted that the database may be directly associated with the search engine or may be accessed remotely. Websites associated with the bookmarks are searched using the search term as indicated in step 416. Results of the search are provided to a user as indicated in step 418.”

This section of Amro and Fig. 4 clearly teaches that Websites associated with the bookmarks are searched using the search term as indicated in step 416. Applicant respectfully submits that

Websites associated with bookmarks cannot be searched unless the bookmarks are first accessed prior to the search in order to do the search. Applicant further respectfully submits that the URL personal databook collection of the embodiments of the present invention are distinguishable from the bookmarks as commonly known in the computing arts and as used by Amro. Bookmarks are short cuts or direct links to Websites whereas the personal databook collection of the embodiments of the present invention is used as an aid to help a user identify URLs in search results that have been previously visited and to recall why a particular URL was previously visited.

Bates was cited in the Office Action for teaching a user being able to enter a comment about a document which includes the description of the document (Column 25, lines 38 – 40 of Bates). Applicant respectfully submits that Bates also does not teach or suggest loading a URL personal databook collection object after receiving the results of a search and Bates adds nothing to the teachings of Amro so as to render Claim 1 unpatentable.

For all of these reasons discussed above, Applicant respectfully submits that Claim 1 is patentably distinguishable over Amro and Bates. Reconsideration and withdrawal of the §103 rejection of Claim 1 is respectfully requested.

Turning now to the rejection to independent claim 11 under 35 U.S.C. §103(a) as being unpatentable over Amro in view of Bates, Claim 11 has been amended to recite:

“comparing the results from a network search by the search engine to any URL object references of previously visited URLs in a URL personal databook collection object loaded after receiving the results of the network search...”

As previously discussed, Amro teaches that the bookmarks 102 are used in conducting the search and neither Amro nor Bates teach or suggest that the URL personal databook collection object is loaded after receiving the results of the network search as recited in amended claim 11. Accordingly, independent claim 11 is respectfully submitted to be patentably distinct over Amro and Bates, and reconsideration and withdrawal of the §103 rejection of claim 11 is respectfully requested.

Independent claim 34 recites similar features to claims 1 and 11. Accordingly, claim 34 is also submitted to be patentable over Amro and Bates for the same reasons as discussed with respect to claims 1 and 11. Reconsideration and withdrawal of the §103 rejection of claim 34 is respectfully solicited.

Claims 2-10 depend directly or indirectly from independent claim 1 and claims 12-15

depend directly or indirectly from independent claim 11. Because of these dependencies, these claims include all of the features of the respective referenced independent claims. Therefore, these claims are also submitted to be patentable over Amro and Bates and reconsideration and withdrawal of the §103 rejection of these claims is respectfully requested.

As the Examiner's rejections have been shown to be in clear error and lack essential elements of a *prima facie* anticipation rejection under 35 U.S.C. § 103, Applicant respectfully request that the claims of the present application be allowed to issue.

Respectfully submitted,

Date: February 9, 2009

By:



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